

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JUDY MARIE REED,)
)
Plaintiff,)
)
v.) No. 4:08CV1169 TIA
)
MICHAEL J. ASTRUE,)
COMMISSIONER OF SOCIAL SECURITY,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court, sua sponte, upon review of the file. The parties consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c).

This cause is on appeal from an adverse ruling by the Social Security Administration. Plaintiff is proceeding in this cause without the assistance of retained counsel. Plaintiff's Complaint was filed on August 8, 2008. (Docket No. 1). On September 10, 2008, the Court entered a Case Management Order setting out the briefing schedule to be followed in this cause in accordance with Rule 9.02 of the Local Rules of this Court.¹ (Docket No. 8).

After requesting and receiving additional time in which to file the answer, Defendant

¹Local Rule 9.02 provides:

[T]he Commissioner shall file any motion to dismiss, motion to remand, and/or answer within sixty (60) days of service of the complaint. ... The plaintiff shall, unless otherwise ordered by the court, serve and file a brief in support of the complaint within thirty (30) days after the Commissioner's service of an answer and the administrative transcript. The Commissioner shall serve and file a brief in support of the answer within thirty (30) days after service of the plaintiff's brief. Plaintiff shall have ten (10) days after service of the Commissioner's brief to file a reply brief.

Commissioner of Social Security timely filed his Answer to Plaintiff's Complaint on December 2, 2008. (Docket No. 16). On February 19, 2009, the undersigned ordered Plaintiff to file a Complaint setting forth allegations why the decision of the Commissioner was not based on substantial evidence. (Docket No. 18). Plaintiff filed a Complaint. (Docket No. 19). Thereafter, the undersigned entered an Order directing Plaintiff to inform the Court, in writing, whether she intends to pursue her claims based solely on the allegations made in her Complaint, or whether she wishes to pursue her claims by way of a separate Brief in Support of Complaint. The record shows that Plaintiff failed to comply with the Order by filing with the Court a pleading stating whether she intends to pursue her claims based solely on the allegations made in her Complaint, or whether she wishes to pursue her claims by way of a separate Brief in Support of Complaint. On November 5, 2009, the Court entered an Order directing Plaintiff to either file a brief in support of her complaint or a pleading stating that she intends to pursue her claims solely on the allegations made in her Complaint. (Docket No. 21). Plaintiff timely complied with the Court's directive by filing a responsive pleading construed as a request to proceed based on the claims made in her Complaint. Accordingly,

IT IS HEREBY ORDERED that Defendant file a brief in support of the Answer no later than December 14, 2009.

/s/Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 12th day of November, 2009.